

Remarks

The following remarks are responsive to the Examiner's rejection in the Office Action dated June 5, 2008.

Status of the Claims

Claims 1-11 and 13-25 are pending. Claim 12 is canceled herein. Claims 1-8 and 24 are allowed. Claims 9, 12, and 15-20 stand rejected as anticipated by a reference. Claims 10-11, 13-14, 21-23 and 25 are indicated as allowable and are objected to as being dependent upon a rejected base claim.

Amendments to the Claims

Claims 9 and 20 are amended to recite that in formula (III), when E = O, R² is not H. No new matter is introduced.

Claims Rejections – 35 U.S.C. § 102

Claims 9, 12, 15-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Tokoli et al., U.S. Patent 4,665,000 ("Tokoli").

Applicants respectfully submit that this rejection has been overcome by the amendments to Claim 9 and Claim 20. There are no compounds in Tokoli in which the terminal phenyl group has a substituent selected from from R¹, alkyl, fluoroalkyl, Cl, Br, I and arylamino of formula (II), and R¹ is selected from aryl, heteroaryl, fluoroaryl, and fluoroheteroaryl.

Applicants respectfully submit that Claims 9 and 20, and the claims dependent thereon, are not anticipated by Tokoli, and request that this rejection be withdrawn.

Claim Objection

Applicants acknowledge, with appreciation, the Examiner's indication that claims 10-11, 13-14, and 15-20 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants forbear from amending the claims at this time, since Applicants believe that the rejections over Tokoli have been overcome, and that such amendments may prove, in the end, to be unnecessary.

Claim Allowance

Applicants acknowledge, with appreciation, the Examiner's allowance of claims 1-8 and 24.

Conclusion

In view of the foregoing remarks, Applicants submit that the above referenced application is in condition for allowance. A Notice of Allowance for the pending claims is earnestly requested.

Should there be any questions about the content of this paper or the status of the application, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,

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